S.B.Cr.Misc. Bail App. No. 5667/2007
(Sanwarlal @ Sanwara Vs. State of Rajasthan)

Date of order : 23/11/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. Rakesh Arora for the petitioner.

Mr. Ashok Upadhyay, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and challan papers.

It is contended by learned counsel for the petitioner that the allegation of rape is against co-accused Kailash and the petitioner has been charged with the offence under Section 366 IPC.

I have carefully gone through the statement of the prosecutrix recorded by the Judicial Magistrate under Section 164 Cr.P.C. In her statement, she categorically stated that Kailash and the present petitioner took her on motorcycle and she was left with an old lady and the petitioner went away and thereafter it was Kailash who alleged to have committed rape on her. She has visited at various places with Kailash. So far as the present petitioner is concerned, there is no allegation of rape against him.

Looking to the facts and circumstances of the case and having considered the oral arguments advanced by both the parties, without

commenting on the merit of the case, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Sanwarlal @ Sanwara S/o Madanlal be released on bail in FIR No. 54/07, P.S. Shambhugarh, district Bhilwara, provided he executes a personal bond for a sum of Rs. 20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP